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5 Attorney for: Secured Creditor,  
6 EMC Mortgage Corporation as servicing agent for Citibank, N.A., as Trustee for  
7 certificateholders of Structured Asset Mortgage Investments II Trust 2007-AR6, Mortgage Pass-  
Through Certificates, Series 2007-AR6, assigns and/or successors

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

In re: ) Case No. 09-29996  
        )  
        ) DC No.: KAT-1  
Douglas E. Clymer, )  
Wendy Clymer, ) Chapter 13  
                )  
                )  
Debtors. ) **MOTION FOR RELIEF FROM**  
                ) **AUTOMATIC STAY**

EMC Mortgage Corporation as servicing)  
agent for Citibank, N.A., as Trustee, )  
assigns and/or successors in interest, )

Secured Creditor, ) Date: 12/8/09  
v. ) Time: 1:00 p.m.  
Douglas E. Clymer, Wendy Clymer, ) Ctrm: 34, 6<sup>th</sup> Floor  
Debtors; and Lawrence J. Loheit, ) Place: 501 I Street  
Chapter 13 Trustee, ) Sacramento, CA  
 )  
 ) Judge: Robert S. Bardwil

Respondents. )  
                  )  
\_\_\_\_\_)

1 EMC Mortgage Corporation as servicing agent for Citibank, N.A., as Trustee for  
2 certificateholders of Structured Asset Mortgage Investments II Trust 2007-AR6, Mortgage Pass-  
3 Through Certificates, Series 2007-AR6, assigns and/or successors ("Secured Creditor" or  
4 "Movant" herein), moves this Court for an Order Terminating the Automatic Stay of 11 U.S.C.  
5 § 362 as to moving party (and the Trustee under the Deed of Trust securing moving party's  
6 claim) so that moving party and its Trustee may commence and continue all acts necessary to  
7 foreclose under the Deed of Trust secured by the Debtors property, commonly known as 2201  
8 Drusy Avenue, Sacramento, CA 95834, ("Property" herein). **See Exhibit "1".**

9 A copy of Secured Creditor's Relief From Stay Information Sheet is filed concurrently  
10 herewith as a separate document pursuant to Local Rules of Court.

11 As stated in the attached Declaration, the Debtors have failed to make five post-petition  
12 payments (06/01/09 through 10/01/09).

13 Debtors' Amended Plan filed on 8/24/09 lists Secured Creditor's claim in Class 4, where  
14 payments are to be made by the Debtor or a third person. To date, the Debtors' Amended Plan  
15 has not been confirmed.

16 Based on the foregoing, Secured Creditor alleges that Secured Creditor is not adequately  
17 protected. Secured Creditor is not receiving regular monthly payments, and is unfairly delayed  
18 from proceeding with the foreclosure of the subject Property. Accordingly, relief from the  
19 automatic stay should be granted to Secured Creditor pursuant to 11 U.S.C. § 362(d)(1) and (2).

21 WHEREFORE, Secured Creditor prays for judgment as follows:

- 22 1. For an Order granting relief from the automatic stay, permitting Secured Creditor to  
23 proceed with the foreclosure under Secured Creditor's Deed of Trust, and to sell the  
24 subject Property at a trustee's sale under the terms of the Deed of Trust to proceed  
25 with any and all post foreclosure sale remedies, including the unlawful detainer  
26 action or any other action necessary to obtain possession of the Property.
- 27 2. For an Order that the 10-day described by Bankruptcy Rule 4001(a)(3) be waived.

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- 2     3. For an Order modifying the automatic stay to protect Secured Creditor's interest, as  
the Court deems proper.
- 3     4. For attorneys' fees and costs incurred herein.
- 4     5. For such other relief as the Court deems proper.
- 5     6. The Moving Party, at its option, may offer, provide and enter into any potential  
forbearance agreement, loan modification, refinance agreement or other loan  
workout/loss mitigation agreement as allowed by state law. The Movant may contact  
the Debtor via telephone or written correspondence to offer such an agreement. Any  
such agreement shall be non-recourse unless included in a reaffirmation agreement.
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11     Dated: November 6, 2009

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McCarthy & Holthus, LLP

13     By: /s/ Kelly Ann Tran  
14                 Kelly Ann Tran, Esq.  
15                 Attorney for Secured Creditor  
16                 EMC Mortgage Corporation as servicing  
17                 agent for Citibank, N.A., as Trustee for  
18                 certificateholders of Structured Asset  
19                 Mortgage Investments II Trust 2007-AR6,  
20                 Mortgage Pass-Through Certificates, Series  
21                 2007-AR6, assigns and/or successors  
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